IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 13982 of 2004

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GUJARAT STATE ROAD TRANSPORT CORPORATION - Petitioner(s)

Versus

ISHWARBHAI K.VANKAR C/O.K.C. SHAH - Respondent(s)

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Appearance :

MR ASHISH M DAGLI for Petitioner(s) : 1,
RULE SERVED for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 21/09/2005

ORAL JUDGMENT

The Industrial Tribunal in its impugned award dated 1/5/2004 has set aside the penalty, finding that the charge is not validly proved. On the basis of the

allegations to the effect that the respondent workman working as a conductor had misbehaved with the Checking Squad, upon inquiry punishment of stoppage of three increments with future effect came to be imposed. It is this punishment the Industrial Tribunal set aside. The finding arrived by the Labour Court are purely factual and call for no interference in exercise of power under Article 226 and 227 of the Constitution of India. Petition is, therefore, rejected. Rule is discharged. No order as to costs.

(Akil Kureshi, J.)

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